IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 10650 of 2003

Between:

1 Talluru Subba Naidu s/o Sesham Naidu
R/o Balayapalli Village and Mandal., Nellore District.
2 Talluru Raghuramaiah s/o Subba Naidu
R/o Balayapalli Village and Mandal., Nellore District.

..... PETITIONERS

AND

1 Deputy Registrar of Coop.Societies., Gudur., Nellore District.
2 Cooperative Senior Inspector/Sale Officer
Venkatagiri, Nellore District.
3 Secretary, Balayapalli Primary Agricultural Cooperative Society.,
Balayapalli, Balayapalli Mandal., Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction particularly one in the nature of Writ of Mandamus, declaring the action of the respondents 1 and 2 in insisting upon payment of arrears due from the petitioners pursuant to the Auction Notices dated 26-5-2003 of the respondents as illegal, arbitrary and violative of principles of natural justice, and consequently direct the respondents herein to extend the time for setting the claims of the petitioners under one time settlement scheme, as per G.O.Ms.No.70, Agriculture and Cooperation (Co-op.VI) Department, dated 22-2-2002 of the Government of Andhra Pradesh.

Counsel for the Petitioner: MR.S.V.MUNI REDDY

Counsel for the Respondents: GP FOR COOPERATION

The Court made the following :

THE HONOURABLE SRI JUSTICE B. PRAKASH RAO

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WRIT PETITION NO. 10650 OF 2003

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ORDER:-

Heard both sides and at their request, the writ petition itself is taken up for disposal at the stage of Interlocutory Application.

Petitioner's grievance is only against the action of the respondents herein in seeking to recover the alleged arrears.

Though several contentions have been urged across the Bar, however, it is pointed out that this question is no longer res integra in view of the Judgment of this Court in Writ Petition No.15656 of 2003 dated 28-4-2004.

Following the said Judgment, this writ petition is disposed of permitting the petitioners to make necessary application to the District Co-operative Central Bank, Nellore to extend the benefit of one time settlement under G.O.Ms.No.70, Agriculture and Cooperation (Co.Op.VI) Department, dated 22-2-2002, within a period of two weeks from the date of receipt of a copy of this order. If the petitioners apply, the District Co-operative Central Bank, Nellore shall consider the applicability of the said scheme for the loans obtained by the petitioners and communicate the necessary decision in this regard. Till thevDistrict Co-operative Central Bank decides on this aspect, no coercive steps shall be taken by the respondents against the petitioners to recover their loans. No costs.

19—07—2004.

Stv/-

To

1. Two CCs to the G.P for Cooperation, High Court Buildings, Hyderabad

(O.U.T).

2. Two CD copies.